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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,291	12/16/2004	Ottmar Koeder	10808/195	6696
7590 Anthony P Curtis Brinks Hofer Gilson & Lione Post Office Box 10395 Chicago, IL 60610			EXAMINER DO, THUAN V	
			ART UNIT 2825	PAPER NUMBER
			MAIL DATE 06/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

TH

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,291	<b>Applicant(s)</b> KOEDER ET AL.	
	<b>Examiner</b> Thuan Do	<b>Art Unit</b> 2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12, 15-19, 21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/04&amp;9/08/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to application filed on 12/16/2004. Claims 1-12,14-28 are pending in this office action. Claim 13 is canceled.

#### ***Information Disclosure Statement (IDS)***

The form 1449 for the IDS of 03/05/2007 is not in the record, a copy of this form should be supplied for consideration in the next response.

The copy of PCT/DE03/01863 document is not in the record, a copy of this form should be supplied for consideration in the next response (examiner finds only the PCT/DE03/01862, could it be wrong typing?)

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6,8-11,15,16,12,17-19,21,23-28 are rejected under 35 U.S.C. 102(b) as being unpatentable over the prior art of Koford et al. Pat. No. 5557533.

Regarding claim 1: The prior art teaches a method comprising:

in-which prescribing design data are prescribed (302) which stipulate a geometrical design (40) which is to be altered for a the component (col. 1, lines 38-44);  
~~in-which-producing and storing an altered design from the design data, are used to produce altered design data which are stored (308) and stipulae the altered design stipulating~~ a geometrical design (40a) which is altered locally in a region in comparison with the geometrical design (40) of the stored design data (col. 3, lines 7-14 and col. 4,

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lines 21-30);

~~in which~~ ascertaining ~~the altered design data (10a)~~ are used to ascertain ~~(312)~~ an assessment criterion ~~(BM1, GBM)~~ for the altered design (10a) from the altered design data, the assessment criterion ascertained for an area for the altered design (col. 3, lines 7-14);

~~in which~~ comparing the assessment criterion ~~(GBM)~~ for the altered design (10a) ~~is compared (314) with~~ an assessment criterion ~~(BM1, GBM)~~ for the design (40) which is to be altered (col. 5, lines 20-29 using chip size criteria);

~~and in which~~ retaining the unaltered design data (col. 3, lines 20-28 using minimum area as a retaining data) ; and

automatically performing with a plurality of cycles of alterations, comparisons and decisions about replacement ~~being performed automatically~~. (col. 4, lines 21-30. This area is also used to reject the similar feature of claims 10,25).

Claims 12 and 14 teach the processor or program with the similar features of claim 1 and rejected in rationale except the program and memory are taught in column 10, lines 40-50.

Regarding claim 2: The prior art teaches a method with at least one of position... (col. 5, lines 20-29. This area is also used to reject the similar feature of claims 3,15,16,28,18).

Regarding claim 4: The prior art teaches a method with the region is selected for producing the altered design data in the design stipulated by the design data which are to be altered .... (col. 3, lines 20-27 for selecting the minimum area. This area is also used to reject the similar feature of claims 19,17,21,24,27).

Regarding claim 6: The prior art teaches a method with at least one stipulation for the geometrical alteration is ascertained using a random function (col. 6, lines 1-8. This area is also used to reject the similar feature of claims 9,25).

Regarding claim 8: The prior art teaches a method with ~~in that~~ weighting factors ~~(W1, W2)~~ with different values are prescribed and are used for weighting the assessment criteria ~~(BM1, BM2)~~ when ascertaining the overall assessment criterion

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~~(GBM)~~ (col. 2, lines 57-64. This area is also used to reject the similar feature of claim 23).

Regarding claim 11: The prior art teaches a method with a grid dimension ~~chosen for it~~ which is equal to or less than ~~the~~-a width of a mask writing beam which is used for transferring the design ~~(10, 10a)~~ onto a lithographic mask, ~~or in that a design (10, 10a) has a grid dimension chosen for it which is less than the width of the mask writing beam.~~ } (col. 36, lines 31-37. This area is also used to reject the similar feature of claim 26).

### ***Allowable Subject Matter***

Claims 5,7,20,22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reason for allowance is that the prior art of record does not teach the dependent claims with all other features of the corresponding independent claims.

### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan Do whose telephone number is 571-272-1891. The examiner can normally be reached on Monday-Friday 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone numbers for proceeding this application is 571 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

A handwritten signature in black ink, appearing to read "Thuan Do". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Thuan Do  
Primary examiner  
06/01/2007